



**LEVER GOTTFRIED ECKER PLLC**  
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WE TAKE PERSONAL INJURY CASES...VERY PERSONALLY®

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February 9, 2018

**VIA ECF ONLY**

Hon. Kenneth M. Karas, U.S.D.J.  
Federal Building and United States Courthouse  
United States District Court for the Southern District of New York  
300 Quarropas St.  
White Plains, NY 10601-4150

Re: Bateman v. The Permanent Mission of Chad, et al.  
18 civ. 00416-KMK(LMS)  
Our File #: 4018233

Dear Honorable Sir:

Our office represents the Plaintiff in the above action.

This letters seeks your approval for the Clerk of this Court to issue a modified Form AO 440 Summons in order to conform to § 1608(d) of the Foreign Sovereign Immunities Act (FSIA) which states “an agency or instrumentality of a foreign state shall serve an answer or other responsive pleading to the complaint within sixty (6) days after service has been made under this section.” However, the standard Form AO440, as required by the District Court, provides for a different time in which for the Defendants to answer and, accordingly, does not conform to the FSIA.

The Court Clerk has indicated that it cannot issue a modified summons without the approval of the Court. To that end, we have attached, herewith, a proposed form of Summons. Please direct the Court Clerk to accept the proposed modification and issue the summons according.

This is our first such request in this matter. The Defendant has not been notified of this request as they have not yet been served and not yet appeared in this action.

Very truly yours,

**LEVER GOTTFRIED ECKER PLLC**

A blue ink signature of Eric J. Gottfried, Esq., written over the firm name.

Eric J. Gottfried, Esq.

EJG/mtf  
Encls.



AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. 18-cv-00416-KMK

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc: